

June 17, 2020

By Electronic Mail To: FOIAonline.gov

FOIA coordinator  
US EPA Region 5  
77 W. Jackson Blvd.  
Chicago, IL 60604

Re: FOIA Request – Biennial Report from the EPA

Dear FOIA Coordinator:

In accordance with the Freedom of Information Act, 5 U.S.C. § 552, on behalf of the Great Lakes Environmental Law Center (“Center”), I write to request electronic copies, or review of physical versions, of the records described below. If the records do not exist in electronic format, I wish to schedule a time to review the hard copy versions. If the records exist in electronic format, I would like them to be provided by email, or on a CD or DVD, or through a website.

Please contact me with a cost estimate before undertaking any action that would cause the Center to incur any cost before it expressly consents to such cost. No matter the format of the records, the Center does not authorize the EPA to take any action that would cause the Center to incur costs related to this request without the Center’s express written authorization.

### **Records Requested**

Request No. 1:

The 2019 and 2017 Biennial reports submitted by PSC Environmental Services (421 Lyncaste St., Detroit MI) Handler ID: MID980615298, as required by the U.S. Environmental Protection Agency’s Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, pursuant to 40 C.F.R. § 264.75 (2017).

### **Further Instructions**

#### *Exempt Records*

Should you decide to invoke a FOIA exemption as the basis for withholding any record responsible to this request, please include in your full or partial denial letter sufficient

information for the Center to appeal the denial pursuant to 5 U.S.C. § 552 and 40 CFR 2.104. To comply with legal requirements, the following information must be included:

1. Basic factual material about each withheld item, including the originator, date, length, general subject matter, and location of each item; and
2. Explanations and justifications for denial, including the identification of the category within the governing statutory provision under which the document (or portion thereof) was withheld and a full explanation of how each exemption fits the withheld material.

If you determine that portions of a record request are exempt from disclosure, please redact the exempt portions and provide the remainder of the record.

#### *Fee Waiver Request*

The Center requests that you waive all fees in connection with this request as provided by 40 C.F.R. § 2.107(l)(1) and 5 U.S.C. § 552, which states in relevant part:

Records responsive to a request will be furnished without charge or at a charge reduced below that established under paragraph (c) of this section when the Agency determines, based on all available information, that disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

The Center's requests can be considered as primarily benefiting the general public for several reasons. First, the Center will make some of the records publicly available. Second, the records requested concern the operations or activities of the government. Third, the Center is a non-profit organization registered as a charitable organization in Michigan, with no commercial interest in obtaining the requested information.

#### *Willingness to Pay Fees Under Protest*

While a fee waiver should be granted for the reasons set forth above, the Center is seeking these records regardless of the EPA's ultimate decision on the fee waiver request. The Center is willing to pay fees in keeping with the applicable statutory and regulatory requirements, if necessary and under protest, to enable the timely delivery of the records.

June 3, 2020

3

Fees must be limited to reasonable standard charges for document search, duplication, and review. 5 U.S.C. § 552(a)(4)(A)(ii). Furthermore, fees should only be assessed based on established procedures and guidelines. 5 U.S.C. § 552(a)(4)(A)(i). We therefore request that you identify the procedures and guidelines under which it assesses fees, provide an itemized list of fees charged and the justification for them in order to establish compliance with the statutory requirements.

In addition, any payment of fees does not constitute waiver of the Center's right to seek administrative or judicial review of any denial of its fee waiver request. As stated above, the Center does not authorize the EPA to undertake any activity related to this request that would cause the Center to incur costs without advance express written authorization.

*Record Delivery*

For electronic records, please either send them by email to [nicholas.leonard@glelc.org](mailto:nicholas.leonard@glelc.org), or else the Center can provide a USB drive or other media storage device along with a self-addressed stamped envelope.

The Center prefers electronic records. If you choose to provide paper records, please mail them to:

Nicholas Leonard

Great Lakes Environmental Law Center  
4444 2nd Avenue  
Detroit, MI 48201

Again, no matter the method of delivery, please contact me with a cost estimate before undertaking any action that would cause the Center to incur any cost before it expressly consents to such cost.

\* \* \*

If you find that this request is unclear in any way please do not hesitate to call me so that I may clarify the request, or otherwise expedite and simplify your efforts to comply.

Sincerely,

Nicholas Leonard

EPA FOIA Coordinator

June 3, 2020

4

Executive Director

Great Lakes Environmental Law Center

4444 2nd Avenue

Detroit, MI 48201

[nicholas.leonard@glelc.org](mailto:nicholas.leonard@glelc.org)

313-782-3372